

## Certified Resolution

### **Resolution 11-5 of 2010**

**A motion was made by Mr. Barber and seconded by Mr. Hoyt**

#### **A resolution of the Caroline Town Board expressing opposition to the Chesapeake Bay Total Maximum Daily Load (TMDL) regulatory proposal by the United States Environmental Protection Agency (EPA).**

Whereas, clean water and healthy watersheds are a priority for the Town of Caroline, which plays a critical role in proven and successful local efforts to conserve and protect New York's natural resources; and

Whereas, the U.S. Environmental Protection Agency Region 3 is implementing a Chesapeake Bay TMDL which imposes new and costly federal regulations on approximately 19 counties, 650,000 residents and 2,000 New York family farms within the NY portion of the Chesapeake Bay watershed area; and

Whereas, New York's water discharge current already meets swimming and fishing quality thresholds; and

Whereas, New York accounts for 10% of the total watershed area which is mostly forested (76%), is home to 4% of the total population in the watershed with agriculture (21%) being the dominant business sector; and

Whereas, the federally-designed TMDL, intended to limit nitrogen, phosphorous and sediment discharges into the Chesapeake Bay watershed, is going to use New York State public funds without being able to satisfy EPA's regulatory goal; and

Whereas, EPA's proposed TMDL regulation imposes disproportionately heavier restrictions for water quality in New York in order to help other states meet their overall TMDL goal, ignores New York's excellent record of environmental accomplishments over the past 25 years using state and local conservation efforts and forces unrealistic costs on the businesses, governments and residents within the watershed area; and

Whereas, even if the other states achieve their EPA mandated allocations by 2025, their water would still contain higher nutrient loads per acre than New York's current 2010 load per acre because of progressive natural resource management programs like New York State's Agricultural Environmental Management Program; and

Whereas, even with the elimination of animal agriculture and utilizing every best management practice available in the watershed area, New York would still not be able to meet EPA's TMDL allocation; and

Whereas, we object to EPA's discriminatory regulatory process that disproportionately burdens our farm communities with costly mandates, weakens our rural economies, disrupts local food systems and provides no additional water quality protection for the Chesapeake Bay watershed; and

Whereas, we oppose EPA increasing its federal regulatory control and usurping state and local jurisdiction and authority in order to impose their TMDL, instead of working collaboratively with State agriculture and environmental protection agencies, Soil and Water Conservation Districts and local communities to address Bay watershed water quality concerns; and

Whereas, we support NYS Department of Environmental Conservation's recommendations in their draft Phase I Watershed Implementation Plan which recognizes the environmental stewardship of New York farmers and inherent inequality of the current EPA proposal; and

Now, therefore, be it resolved that the Town of Caroline objects to the unattainable mandate and lack of parity represented in the Chesapeake Bay TMDL allocations for the State of New York compared to other Bay states and watershed jurisdiction; and

Be it further resolved, that the Caroline Town Board urges its Congressional and State representatives to intercede with EPA, and enact superseding legislation if required, to delay implementation of the Chesapeake Bay TMDL and request that EPA report to them on their response and adaptations regarding the aforementioned concerns.

**Adopted** Barber: Aye; Frongillo: Aye; Adams: Aye; McDonald: Absent; Hoyt: Aye

STATE of NEW YORK }  
COUNTY of TOMPKINS }  
TOWN of CAROLINE }

I hereby certify that the above resolution is a true copy of a motion made by the Town Board for the Town of Caroline at a meeting held on Thursday November 4, 2010, and that said resolution has not been altered, amended, or revoked and is in full force and effect.

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Marilou Harrington, Town Clerk

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Date

November 4, 2010

Water Docket  
Environmental Protection Agency  
Mail code: 2822T  
1200 Pennsylvania Ave., NW  
Washington, D.C. 20460

To whom it may concern:

Please find the enclosed Certified Resolution, 11-5, 2010, Docket ID No. EPA-R03-OW-2010-0736; A resolution of the Caroline Town Board expressing opposition to the Chesapeake Bay Total Maximum Daily Load (TMDL) regulatory proposal by the United States Environmental Protection Agency (EPA).

Sincerely,

Marilou Harrington

Town of Caroline, Town Clerk